

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: LEPAGE *et al*

Application No.: 10/091,007

Group Art Unit: 1636

Filed: March 6, 2002

Examiner:

For: NUCLEIC ACIDS AND PROTEINS FROM GROUP B STREPTOCOCCUS

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RESPONSE TO NOTICE TO FILE MISSING PARTS

OFFICE OF PETITIONS

Box Missing Parts

Commissioner for Patents
Washington, D.C. 20231

In response to the Notice to File Missing Parts mailed April 22, 2002, applicants respectfully submit the following. Applicants submit herewith: (a) an execute declaration and power of attorney; (b) Figures 15 and 16; and a check for the required fee concurrently with the present amendment. Applicants submitted Figures 15 and 16 with the original application, as shown by the stamped postcard and transmittal cover sheet, a copy of each is enclosed herewith. However, as a courtesy Applicants resubmit both figures as requested.

A check in the amount of \$65.00 is attached to cover the costs of this submission. In the event any variance exists between the amount enclosed and the PTO charges, please charge or credit such fees to the undersigned's Deposit Account No. 50-1640.

Respectfully submitted,

Dated: 6/6/02

By: Craig L. Puckett
Craig L. Puckett (Reg. No. 43,023)

Brobeck, Phleger & Harrison LLP
Intellectual Property Department
1333 H Street, N.W., Suite 800
Washington, D.C. 20005
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/091,007	03/06/2002	Richard William Falla Le Page	031855.0010

26118
BROBECK, PHLEGER & HARRISON, LLP
ATTN: INTELLECTUAL PROPERTY DEPARTMENT
1333 H STREET, N.W. SUITE 800
WASHINGTON, DC 20005

CONFIRMATION NO. 6732

FORMALITIES LETTER



OC000000007922813

Date Mailed: 04/22/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been omitted from the application:

- Figure(s) 15 and 16 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR**

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1.136(a) or (b). In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Items Required To Avoid Processing Delays:

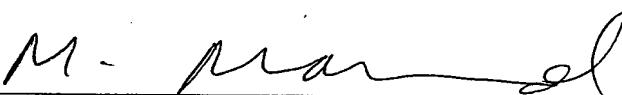
The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

A copy of this notice MUST be returned with the reply.



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE